



## **Wecht: Charge police in Mount Oliver death**

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By Michelle K. Massie, Post-Gazette Staff Writer

Allegheny County Coroner Dr. Cyril H. Wecht recommended yesterday that homicide charges be filed in the case of an Altoona man who died in December after being restrained by police officers during a Mount Oliver party.

At a news conference, Wecht criticized police for over-reacting to an altercation at a Mount Oliver party that led to the death of 43-year-old Charles A. Dixon. Wecht recommended that District Attorney Stephen A. Zappala Jr. pursue homicide charges in the case. Zappala has the final decision on whether to prosecute.

Dixon died Dec. 23, about 48 hours after he lost consciousness while being restrained by police officers as he lay prone on the floor on Dec. 21 at a birthday party in the Mount Oliver Fire Hall. Partygoers said Dixon's brother was causing a disturbance at the party by sticking his hand in a bowl of spaghetti at the buffet table.

The situation escalated. When Dixon tried to stop officers from arresting his brother, he was restrained by some of the 13 officers from Mount Oliver and Pittsburgh who responded to the scene after two officers who were working security at the party called for backup.

Dixon, who was formerly of the Hill District, was 6 feet tall and weighed 330 pounds.

The coroner concluded that the cause of death was positional or mechanical asphyxiation, which occurs when pressure is applied to the back of a person in a prone position.

All but one of the police officers involved testified that they did not put pressure on Dixon's back or torso during the altercation, but multiple witnesses said a number of officers piled on Dixon; the witnesses also said that they heard Dixon saying that he could not breathe.

Wecht said some degree of forced pressure was applied to Dixon's back to further compromise his breathing. He said that just lying in a prone position does not result in asphyxiation.

Wecht noted that Dixon had not committed a crime the night he scuffled with police, and that he was not carrying a weapon.

Although Dixon should not have tried to challenge the arrest, Wecht said, the police officers used excessive force against him. He said the situation could have been defused earlier, and never should have escalated to the point it did.

"Remember we are talking about somebody sticking his hand in a bowl of spaghetti," Wecht

said. "That is the perceived crime. If trained officers can't handle that without 13 police officers piling on somebody, there is something wrong with the training of the officers.

"The arrest was unwarranted," Wecht said.

Wecht drew comparisons between the cause of death in the Dixon case and the Jonny Gammage case from 1995.

"If police officers don't know about positional asphyxiation they must have been out to a picnic during the Jonny Gammage case," Wecht said. "Everyone in law enforcement knows about positional asphyxiation."

Gammage was a black motorist who died in October 1995 following a struggle with five white suburban police officers during a traffic stop.

Wecht did not name any specific officers to be charged. He said conflicting testimony among witnesses during a previous inquest made it impossible to identify individual officers who were responsible for Dixon's death. He said Zappala's office has the resources available to discover who is responsible.

Wecht's announcement calling for charges was followed by an outburst of applause from Dixon's family.

"I'm happy that they found out the truth," said Antoinette Butler, 40, of Pittsburgh, Dixon's sister. "We're one step closer to knowing that at least someone will be tried for this crime that they committed."

While Dixon's family is happy with Wecht's recommendation, there is still concern among them as to how the district attorney's office will proceed with the case.

Charles Dixon Jr., 18, the victim's son, said he was concerned that the district attorney would not be able to figure out who should be charged in the case because of conflicting testimony. He said all 13 officers involved in the incident should be charged because "they did something wrong."

Kerry Lewis, the Dixon family's attorney in a wrongful death civil suit filed in federal court, said there were 100 people at the party and other witnesses available for Zappala to interview. He said if Zappala does as thorough a job in his investigation as Wecht and hearing officer William Manifesto did, the district attorney will find people to charge.

Zappala issued a statement that said, "a complete and thorough review of the record with respect to the death of Charles Dixon will take place. Once this review is complete, the district attorney will advise how he will proceed in this matter." Spokesman Mike Manko said there is no timetable for a decision.

Mount Oliver police said they would have no comment until they have reviewed the recommendations. The borough solicitor was unavailable yesterday.

The family's civil suit says that officers used a "swarming" technique for arresting Dixon in which they grabbed his arms and legs, threw him to the ground and then held him there

while they applied pressure to his torso. After he lapsed into unconsciousness, they left him there for 10 minutes without performing cardiopulmonary resuscitation, according to the suit. Paramedics performed CPR when they arrived and took Dixon to Mercy Hospital, where he died without regaining consciousness.

The suit suggests that the actions of the officers were motivated by race. All of the officers involved are white. Dixon was black.

Wecht said he didn't believe the incident would have spiraled out of control had it taken place elsewhere.

"I find it very difficult to believe that if someone had stuck his hand in spaghetti in Fox Chapel, or Squirrel Hill, or Mt. Lebanon, that this would have happened," Wecht said.

Dixon Jr. said he believed that was true.

"I agree," he said, "because there's still a lot of racism going on here."

A pretrial conference in the civil case is scheduled for Sept. 5. The officers involved in the incident as well as Mount Oliver's police chief and mayor are named in the civil suit.

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